

Introduced by Senator Yee

January 23, 2012

An act to amend Section 301 of, and to add Section 303.5 to, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 981, as introduced, Yee. Public Utilities Commission: commissioners: executive employees.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, as defined. The qualifications and tenure of members of the commission are set forth in the California Constitution. Existing law prohibits a commissioner from holding an official relation to or having a financial interest in a person or corporation subject to regulation by the commission and requires the commission to adopt an updated Conflict of Interest Code and State of Incompatible Activities.

Existing law provides for the comprehensive regulation of campaign financing, conflicts of interests of public officials, and lobbying. Existing law prohibits a designated employee of a state administrative agency, any officer, employee, or consultant of a state administrative agency holding a position that entails the making, or participation in making, of decisions that may foreseeably have a material effect on any financial interest, and a member of a state administrative agency, for a period of one year after leaving office of employment, to act as agent or attorney for, or otherwise represent, any other person, by making any formal or informal appearance, or by making any oral or written communication, before any state administrative agency, or officer or employee thereof, for which he or she worked or represented during the 12 months before leaving office of employment, if the appearance or communication is

made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

This bill would prospectively prohibit a commissioner or executive employee of the commission, as defined, for a period of 2 years after leaving the employment of the commission, from becoming an employee of, or, for compensation, acting as the agent for, a public utility subject to the regulatory authority of the commission pursuant to the Public Utilities Act. The bill would prospectively prohibit the commission from hiring, as an executive employee of the commission, any person who, in the previous 2 years, was an employee or agent, for compensation, of a public utility subject to the regulatory authority of the commission pursuant to the Public Utilities Act. The bill would prospectively prohibit any person from holding the office of commissioner who, in the previous 2 years, was an employee or agent, for compensation, for a public utility subject to the regulatory authority of the commission pursuant to the Public Utilities Act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 301 of the Public Utilities Code is
2 amended to read:

3 301. (a) The membership of the Public Utilities Commission,
4 and the qualifications and tenure of the members of the commission
5 are as provided in Section 1 of Article XII of the Constitution of
6 this state.

7 (b) *No person shall hold the office of commissioner who, in the*
8 *previous two years, was an employee or agent, for compensation,*
9 *of a public utility subject to the regulatory authority of the*
10 *commission pursuant to this part. This prohibition shall be*
11 *applicable to those persons appointed by the Governor beginning*
12 *January 1, 2013.*

13 SEC. 2. Section 303.5 is added to the Public Utilities Code, to
14 read:

15 303.5. (a) For purposes of this section, an “executive employee
16 of the commission” means all of the following persons:

1 (1) Any chief of staff, executive assistant, or administrative
2 assistant I for a commissioner.

3 (2) The following advisors on the staff of a commissioner: any
4 legal advisor or legal advisor II, rotational advisor, policy and
5 planning advisor, energy efficiency and renewables advisor,
6 technical advisor and technical advisor II.

7 (3) The executive director of the commission appointed pursuant
8 to Section 308.

9 (4) The following employees of the executive offices of the
10 commission: a deputy executive director, policy and planning
11 advisor, director of governmental affairs, communications director,
12 government program analyst, associate governmental program
13 analyst, public utilities regulatory analyst, administrative assistant
14 I.

15 (5) The attorney for the commission appointed pursuant to
16 Sections 307.

17 (b) No commissioner, including the president, or executive
18 employee of the commission shall, for a period of two years after
19 leaving the employment of the commission, become an employee
20 of, or, for compensation, act as the agent for, a public utility subject
21 to the regulatory authority of the commission pursuant to this part.
22 This prohibition shall be applicable to a person who becomes an
23 executive employee of the commission after December 31, 2012.

24 (c) The commission shall not hire any person as an executive
25 employee who, in the previous two years, was an employee or
26 agent, for compensation, of a public utility subject to the regulatory
27 authority of the commission pursuant to this part. This prohibition
28 shall be applicable to persons hired as executive employees of the
29 commission beginning January 1, 2013.